

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIC ALLEN TAYLOR,

Defendant and Appellant.

A095597

(Solano County

Super. Ct. No. VC48862)

Eric Taylor appeals from the revocation of his probation and his commitment to state prison. Appellant's court-appointed counsel has briefed no issues and asks this court to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

In July 1999, the court suspended imposition of sentence, placing appellant on probation for a period of five years for possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)), false personation (Pen. Code, § 529)¹ and three sentencing enhancements, one for each of appellant's previously served prison terms (§ 667.5, subd. (b)). Among the terms and conditions of appellant's probation, the court ordered appellant to successfully complete a residential substance abuse program.

When appellant failed to appear for his next court date set to review his program placement, the court revoked his probation and issued a bench warrant for his arrest.

In February 2001, appellant appeared before the court and admitted violating the terms of his probation. On March 2, 2001, the court reinstated appellant's probation and

again ordered appellant to enter and complete a residential substance abuse program. The court continued the matter for three weeks to check on appellant's placement in a suitable program.

Solano County apparently mistakenly returned appellant to the custody of the California Department of Corrections (CDC) where he was in custody on a parole violation on the date he was to appear in court for his placement review. The court revoked appellant's probation and issued a bench warrant to facilitate his return to Solano County upon his release from CDC.

On May 8, 2001, appellant again appeared before the court, and the court continued the matter for two weeks to allow appellant time to contact the requisite residential program.

At his next scheduled court date, May 22, 2001, the court informed appellant of a new allegation, that appellant violated the terms of his probation by absconding from the probation department.

On June 5, 2001, in a negotiated plea, appellant admitted violating the terms of his probation by committing a new misdemeanor. Appellant entered his plea with the understanding that the court would sentence him to two years and eight months in state prison.

As agreed, the court permanently revoked appellant's probation and sentenced him to an aggregate term of two years and eight months consisting of the middle term of two years for possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)) and a consecutive eight months, or one-third the middle term, for false personation (§ 529). The court struck the remaining three enhancements (§ 667.5, subd. (b)) pursuant to the plea negotiations. The court ordered appellant to pay a \$400 restitution fine and granted him 324 days' total presentence credit.

Appellant was represented by counsel throughout the proceedings.

There was no sentencing error.

¹ All statutory references are to the Penal Code unless otherwise indicated.

There are no issues that require further briefing.

The order revoking appellant's probation and the judgment imposed are affirmed.

Lambden, J.

We concur:

Haerle, Acting P. J.

Ruvolo, J.